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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	CR-18-00258-EJD
	)	
Plaintiff,	)	JOINT STATUS MEMORANDUM AND
	)	STIPULATION AND <del>PROPOSED</del>
v.	)	ORDER CONTINUING STATUS HEARING AND
	)	EXCLUDING TIME FROM THE SPEEDY TRIAL
ELIZABETH HOLMES and	)	ACT
RAMESH "SUNNY" BALWANI,	)	
	)	
Defendants.	)	
	)	

The parties in the above-captioned matter hereby file this joint status memorandum and stipulation to continue the status hearing currently scheduled for July 30, 2018. On June 15, 2018, the defendants each made initial appearances before Magistrate Judge van Keulen. After that appearance, each defendant informally requested discovery from the government. The government asked each defendant to provide it with a 2TB external hard drive. On or around the first week of July 2018, the government received a hard drive from each defendant. Upon receipt, the government began the process of loading the discovery onto these drives. The discovery in this matter is quite voluminous, and the government anticipates producing it in two large batches. The government expects to provide the first

1 batch of discovery within two weeks. The government anticipates providing the second batch of  
2 discovery before the next court date.

3 The parties have met and conferred regarding this case and the production of discovery, and  
4 request that the Court continue the status hearing currently scheduled for July 30, 2018 until October 1,  
5 2018. The requested continuance will provide the government with additional time to produce  
6 discovery, and will allow the defense an opportunity to begin to process and initially review the  
7 discovery.

8 The parties also agree that the time between July 30, 2018 and October 1, 2018 is excludable  
9 from the Speedy Trial Act based upon counsel's need to effectively prepare by reviewing discovery  
10 materials provided by the government. The parties further agree that the failure to grant the requested  
11 continuance would unreasonably deny defense counsel reasonable time necessary for effective  
12 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of  
13 justice served by granting the requested continuance outweigh the best interest of the public, and the  
14 defendant in a speedy trial and the prompt disposition of criminal cases. 18 U.S.C. § 3161.

15  
16 DATED: July 18, 2018

Respectfully submitted,

17 ALEX G. TSE  
18 Acting United States Attorney

19  
20 /s/  
21 JEFF SCHENK  
22 JOHN C. BOSTIC  
23 ROBERT S. LEACH  
24 Assistant United States Attorneys

25 DATED: July 18, 2018

26 /s/  
27 KEVIN DOWNEY  
28 LANCE WADE  
Attorneys for Elizabeth Holmes

1 DATED: July 18, 2018

2  
3 /s/  
4 JEFF COOPERSMITH  
5 MARK BARTLETT  
6 Attorneys for Ramesh "Sunny"  
7 Balwani  
8  
9  
10

11 ~~PROPOSED~~ ORDER

12 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY  
13 ORDERS that the status hearing currently scheduled for July 30, 2018 is continued to October 1, 2018 at  
14 1:30. The Court FURTHER ORDERS that the time between July 30, 2018, and October 1, 2018, is  
15 excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the failure to grant the  
16 requested continuance would unreasonably deny each defense counsel reasonable time necessary for  
17 effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds  
18 that the ends of justice served by granting the requested continuance outweigh the best interest of the  
19 public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court  
20 therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161.  
21

22 IT IS SO ORDERED.

23 DATED: 7/19/2018

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26  
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EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE